

BOARD OF COUNTY COMMISSIONERS
July 23, 2019
PLANNING CASE # PLN19-052 : CLASS 6 RIGHT-OF-WAY DEDICATION PLAT
NEW BUSINESS

PROJECT INFORMATION:

Location: 455 Antlers Gulch RD (CR 188);
Project/Request: A Class 6 Right-of-Way Dedication Plat to transfer land to the Colorado Department of Transportation for a west bound deceleration lane on State Highway 6 into the Wintergreen Neighborhood as required by the Wintergreen Development Agreement (Reception No. 1153248)

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission does not review right-of-way dedication plat applications.

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with 5 findings and 1 condition

ATTACHMENTS:

1. Proposed Plat
2. Draft Warranty Deeds
3. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Dan Osborn, Senior Planner

FOR: Meeting of July 23, 2019

SUBJECT: PLN19-052-Class 6 Right-of-way Dedication Plat

APPLICANT: Kimball Crangle, Gorman & Company

OWNER: Summit County Board of County Commissioners, Vail Summit Resorts.

REQUEST: A Right-of-Way Plat to amend the existing Village at Wintergreen plat for the purpose dedicating 0.204 acres of land to the Colorado Department of Transportation (CDOT) for improvements to State Highway 6 as required by the Wintergreen Development Agreement between the Summit County Board of County Commissioners and the developers, Gorman & Company, Inc.

PROJECT DESCRIPTION:

Location: 455 Antlers Gulch RD (CR 188)

Legal Description: Tract 1 and remainder of Tract Z, Village at Wintergreen, and Lot 1, Keystone Employee Housing Amended

Existing Zoning: Keystone Resort Planned Unit Development

Proposed Use: Deceleration lane on State Highway 6

Total site area: 0.204 of an acre (8,858 square feet)

Adjacent land uses:

- East:** Keystone Sunrise employee housing (Keystone Resort PUD)
- West:** Antlers Gulch, Frey Gulch townhomes (Antlers Gulch PUD)
- North:** Vacant USFS land–Natural Resources (NR-2) district
- South:** Highway 6 and Pines at Keystone condominium development (Keystone PUD)

BACKGROUND:

In May 2017, the BOCC approved PLN16-131, a Major PUD Amendment to consolidate the development parcels in the Wintergreen Neighborhood of the Keystone PUD and amend the restrictions regarding the eligibility of residents living in the community. As part of this approval, a development agreement outlining improvement obligations by the developer was recorded. This document ensured construction of additional enhancements such as pedestrian trails, bus stops, road connections as well as improvements to State Highway 6. Specifically, the developer was required to construct a westbound deceleration lane to accommodate right-hand turns into the site.

In the spring of 2018, the Board of County Commissioners approved PLN17-145, a Site Plan Review of 196 multiple-family workforce-housing units in the Wintergreen Subdivision/Keystone Resort PUD. The site plan review included 36 seasonal units, 120 year-round workforce units, and 40 Low Income Tax Credit (LIHTC) units in addition to a conceptual site plan for a daycare facility on land conveyed to the County.

Subsequently, PLN17-153, a General Subdivision Exemption to replat the property into development parcels for the seasonal, LIHTC, and long-term rental units, and daycare was approved. The subdivision exemption was based on the building configuration shown on the approved site plan, PLN17-145.

This application fulfills a development agreement obligation by conveying parcels totaling 0.204 acres to the Colorado Department of Transportation for the purpose of this highway improvement (0.143 acres from Tract 1 0.061 acres from Tract Z and Lot 1. Summit County owns Tract 1, and Vail Summit Resorts owns Tract Z. The developer will construct the deceleration lane improvements prior the final buildout of the 36 seasonal housing units and 120 year-round affordable workforce-housing units.

CRITERIA FOR APPROVAL:

A request for a right-of-way dedication plat shall meet the following criteria to be approved by the BOCC:

- A. The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).
- B. The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.
- C. Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations; or if lots affected by the right-of-way dedication are legal non-conforming lots and as a result of the right-of-way dedication will become more non-conforming, the applicant has demonstrated that it is in the best interest of the public health, safety and welfare to decrease the lot size by dedicating right-of-way.
- D. Easements necessary for the provision of water, wastewater or utilities are not affected or have been relocated to the satisfaction of the water, wastewater or utility companies.
- E. The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).

The Summit County Road and Bridge Department as well as the Colorado Department of Transportation have reviewed the application, ensuring that adequate dedication for needed road improvements as been provided.

The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.

The proposed right-of-way dedication meets the intent of the subdivision regulations and serves to improve road conditions adjacent to the site as well as through this busy corridor. The application will make minor adjustments to the lots adjacent to State Highway 6, as required by the Development Agreement. This applicant has not used the right-of-way platting process to circumvent the intent of the County's subdivision regulations.

Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations; or if lots affected by the right-of-way dedication are legal non-conforming lots and as a result of the right-of-way dedication will become more non-conforming, the applicant has demonstrated that it is in the best interest of the public health, safety and welfare to decrease the lot size by dedicating right-of-way.

This right-of-way dedication plat is in compliance with the Zoning Regulations and the Keystone Resort PUD. The Keystone Resort PUD does not have minimum lot sizes for lots in the Wintergreen neighborhood. The development parcels will meet all the standards set forth in the Development Code and the Keystone Resort PUD. No lots within the development are non-conforming. Dedication of the small portion of Tract 1 will not impact the feasibility of a future daycare center on the site.

Easements necessary for the provision of water, wastewater or utilities are not affected or have been relocated to the satisfaction of the water, wastewater or utility companies.

All necessary easements have been previously dedicated and approved for the provision of water, wastewater or utilities and are not affected by this proposal.

The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

The right-of-way dedication plat has been reviewed by staff, including the Summit County Surveyor, and found to meet the standards of the Land Use and Development Code and is suitable for recordation.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN19-052, a Class 6 Right-of-way Dedication Plat, with the following findings and conditions:

Findings:

1. The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).
2. The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.
3. Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations.
4. Easements necessary for the provision of water, wastewater or utilities are not affected or have been relocated to the satisfaction of the water, wastewater or utility companies.
5. The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

Conditions:

1. Prior to recording the right-of-way dedication plat, the Summit County attorney shall review and approved the final warranty deed transferring ownership of Tract 1 from Summit County to CDOT.